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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,486	09/26/2001	David Harold Woolstencroft	1590.94	9634

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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GUARRIELLO, JOHN J

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/937,486

Applicant(s)

WOOLSTENCROFT, DAVID  
HAROLD

Examiner

John J. Guarriello

Art Unit

1771

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/2001.                      6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8, 10, 12, 13, 19, 20 rejected under 35 U.S.C. 102(b) as being anticipated by EP 632 087.

EP'087 describes a prepreg (which corresponds to the claimed composite) made of reinforced fibers (which correspond to the claimed structural fibers), a matrix resin (which corresponds to the claimed thermosetting resin composition), (see abstract). EP'087 describes long fibers of a thermoplastic resin which correspond to the claimed non-structural thermoplastic fibers, (see abstract). EP'087 describes the thermosetting resin can be an epoxy resin which can be used with a curing agent, (page 3, column 4, lines 6-45). It is the Examiner's position that EP'087 describes the essential limitations of the claimed invention. Claims lack novelty.

3. Claims 1-6, 10, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 488 389.

EP'389 describes a prepreg (which corresponds to the claimed composite), with a reinforcing fiber corresponding to the claimed structural component fibers, and a thermosetting resin matrix, corresponding to the claimed thermosetting resin composition which is a non-thermoplastic material, and a fibrous thermoplastic resin corresponding to the claimed non-structural thermoplastic fibers, (see abstract). EP'389 describes the fibrous thermoplastic resin, (page 3, lines 31-58). EP'389 describes the thermosetting resin which can cure, (page 3, lines 57-58; page 4, lines 41-58). It is the Examiner's position that EP'389 describes the essential limitations of the claimed invention. Claims lack novelty.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 11, 14-18, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 632 087 in view of EP 630 736.

EP'087 as above in paragraph # 2. EP'087 differs from the claimed invention because is silent about the plurality of textile layers and the additional "veil" layer of thin woven or nonwoven material.

EP'736 describes fabric used for processing fiber reinforced composite which is made from a thermoplastic matrix component which can be crystalline. (see abstract). EP'087 describes multicomponent fibers which can be reinforcing and other fibers can be added, (page 3, column 4, lines 51-58; page 4, column 5, lines 1-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the multicomponent fibers and other fibers as the "veils" or additional layers of EP'736 in the composite of EP'087 motivated with the expectation that this is routine in the composite art in order to provide more strength to the improved composite

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is 703-308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John J. Guarriello  
Examiner  
Art Unit 1771

August 29, 2003



TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
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